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SUB-COMMISSION ON THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 4 August 1999, at 10 a.m.

Chairman: Mr. HATANO

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* The summary record of the second part (closed) of the meeting appears as document E/CN.4/Sub.2/1999/SR.3/Add.1.

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The meeting was called to order at 10.05 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 2) (E/CN.4/Sub.2/1999/4; E/CN.4/Sub.2/1999/NGO/9)

1. The CHAIRMAN invited the Sub-Commission to begin its consideration of agenda item 2, and reminded participants of the 1994 guidelines concerning that item.

2. Mr. LITTMAN (Association for World Education) drew attention to the plight of Pakistan's Christians, the latest victims of that country's blasphemy laws. His organization reiterated its call for Pakistan to repeal that legislation, which provided for a mandatory death sentence for blasphemy, and urged the Sub-Commission to adopt a firm resolution on the subject recalling its resolution 1985/21.

3. History was repeating itself in the Islamic Republic of Iran, whose ancient Jewish community had dwindled from 120,000 in 1948 to a mere 20,000. Following the direct incitement to eliminate Israel on the grounds that it had defamed Islam, contained in a sermon preached by the Iranian Minister of Justice in 1997, 13 Jews had recently been arrested and accused of spying for "the Zionist regime" - part of an ongoing pattern of discrimination that stretched back to the 1890s. The commitments of the Iranian Government to comply with the principles of international law, recalled in Commission resolution 1999/13 and in General Principle A (9) of the Islamic Symposium on Dialogue among Civilizations held at Tehran in May 1999, were undermined by those latest threats. His organization appealed to the Sub-Commission to act to prevent the Iranian Jewish community from being made a scapegoat by the authorities.

4. Mr. DIAZ de JESUS (Latin American Human Rights Association) said that the situation of human rights and fundamental freedoms in Mexico had deteriorated since the adoption of Sub-Commission resolution 1998/4, particularly with regard to the rights of Mexico's 56 indigenous peoples. Discrimination, hunger and extreme poverty persisted; land rights continued to be violated; the Chiapas conflict remained unresolved; and impunity was the norm. The most recent annual report of the National Human Rights Commission noted that torture persisted and was routinely practised by the Office of the Attorney-General of the Republic and by the Ministry of Defence.

5. Indigenous women, who were particularly vulnerable to discrimination, were often raped or taken hostage by the military, or by paramilitary groups. Indigenous women and men had been forcibly sterilized. The Congress of the State of Guerrero had formally recognized such practices to be an act of genocide.

6. The Sub-Commission should take appropriate steps to put an end to such acts and should adopt a resolution calling upon the Mexican authorities to

comply with their human rights commitments and inviting the Commission to appoint a special rapporteur to investigate the situation of human rights in Mexico, especially those of the indigenous peoples.

7. Mr. WADLOW (Association of World Citizens) said that the recent banning by the Government of China of the Falun Gong movement directly violated the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, as well as article 18 of the International Covenant on Civil and Political Rights.

8. The Falun Gong movement, founded in 1992, had its roots in the rich history and practice of Taoism in China, and had made Taoist techniques of meditation, exercise and yoga available to a large number of people. The movement had spread quickly to all parts of China, attracting followers from all walks of life. The Government, worried by the growing popularity of the movement, had banned it, in July 1999 arresting many of its leaders and seizing and destroying its publications. Those actions marked a qualitative change in the practice of the Chinese Government: the closer a movement was to traditional folk beliefs, often regarded as "superstitions", the greater the risk it ran of arbitrary and brutal repression. The human rights community had a duty to assist Governments and States to find proper solutions when, through fear and bad advice, they adopted short-sighted measures detrimental to social harmony. The banning and repression of Falun Gong was such a measure.

9. Mr. EMMANUEL (International Peace Bureau) said that no serious attempt had been made to end the senseless war in Sri Lanka, which had claimed more than 60,000 victims, most of them Tamils killed by the State forces. The Government was stepping up its military efforts to capture new territories, thereby inflicting more suffering on civilians in the war zone. Recently, the army had occupied the Shrine of Our Lady of Madhu, driving away 30,000 Tamil Catholic refugees who had sheltered there for the past four years. Continuing its 10-year economic embargo, in June and July 1999 the Government had sealed off the Wanni war zone in an attempt to starve the population into submission and had used 2,000 Tamil civilians as a human shield. The perpetrators of the massacres in the Jaffna Peninsula, to which recently discovered mass graves bore witness, had yet to be brought to justice.

10. Fifty years of denial of basic rights to the Tamils, 20 years of State military oppression, and Tamil counter-violence in response to State terrorism, had spiralled into what amounted to national suicide. The Sub-Commission and member States should bring pressure to bear on the Sri Lankan Government to cease its war efforts and instead to resolve the conflict by peaceful means, including negotiations with the Liberation Tigers of Tamil Eelam (LTTE).

11. Mr. MALEZER (National Indigenous Working Group on Native Title), speaking also on behalf of the Foundation for Aboriginal and Islander Research Action, said that, in 1996, the Government of Australia had set out to limit and impair the right of the Aboriginal and Torres Strait Islander peoples to own land, a process that had culminated in the passing of the Native Title Amendment Act 1998. In the period leading up to the passage of that legislation, the Government had actively encouraged racist sentiments in

Parliament and among the population as a whole, misrepresenting the compatibility of the High Court's Wik decision with the existing laws. The Prime Minister had campaigned against land ownership by indigenous peoples, claiming that a legal ruling in favour of indigenous claims by the High Court had gone too far.

12. Following the passage of those amendments, the Committee on the Elimination of Racial Discrimination had expressed its concern as to the compatibility of the amended legislation with Australia's obligations under articles 2 and 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, and had called on the Government of Australia to suspend the implementation of the 1998 amendments and to reopen discussions with the representatives of the Aboriginal and Torres Strait Islander peoples with a view to finding solutions acceptable to the indigenous peoples that would be in accordance with Australia's obligations under the Convention.

13. Since the adoption of the Committee's decision, the Government had made no attempt to engage in dialogue with the indigenous peoples. Furthermore, the Government had formally objected to a visit by members of the Committee to meet the representatives of the indigenous peoples; and, in its presentation to the seventeenth session of the Working Group on Indigenous Populations the previous week, it had expressed concern at the way in which United Nations treaty bodies considered sensitive policy issues requiring a delicate balancing of interests by Governments.

14. He urged the Sub-Commission to adopt a resolution supporting the decision of the Committee on the Elimination of Racial Discrimination, as a signal to Governments that they could not ignore their obligations towards indigenous peoples. The organizations on whose behalf he was speaking were submitting a draft resolution to that effect - the text of which he read out - for possible consideration by the Sub-Commission. That draft text also called upon the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination and xenophobia to examine and monitor xenophobic sentiments in Australia.

15. Mr. BARNES (Indigenous World Association) gave an account of the violations of the human rights of the independent tribes and indigenous peoples of Alaska which had been subjugated, dominated and exploited by an administering Power entrusted with bringing them to self-determination. They had not been a party to nor had they participated in the removal of Alaska from the list of non-self-governing territories in 1959. Where they had attempted to participate, they had been subjected to fines or imprisonment or both if they could not read, write or speak English; the United States military and the transferred population had been allowed to vote, and the independent tribes and indigenous peoples had not even been fully informed regarding their annexation by the United States of America.

16. A study conducted by the State of Alaska in 1982 had found that the Alaska Native Claims Settlement Act - a unilateral act of the United States Congress - had resulted in an explosion of land issues, many of which remained unsettled. The study had also concluded that the Act could be considered a native claims settlement since it had been prompted by the need for an oil pipeline.

17. Numerous studies had been undertaken in an attempt to deal with the plight of the indigenous peoples of Alaska, but none had appeared to resolve their struggle for survival under international law. They continued to struggle for their right to their traditional lands and food and for self-determination. He requested that the Sub-Commission undertake a constructive review of the right of self-determination of the independent tribes and indigenous peoples of Alaska.

18. Mr. EL HAISSEN (International Association of Democratic Lawyers) said that the Moroccan authorities were pursuing with impunity their policy of violating human rights in the occupied territories of Western Sahara. The Moroccan forces continued to commit serious and flagrant violations of human rights, especially arbitrary arrests, systematic recourse to torture, forced disappearances, unfair trials, deportations, the stifling of freedom of expression and restrictions on freedom of movement. More than 300 people who had been released from arbitrary detention in 1991 as a result of international pressure had since been deprived of the opportunity to work and had been denied medical care.

19. Although the Moroccan authorities had acknowledged 112 cases of forced disappearances they had maintained silence regarding hundreds more such cases in Western Sahara and southern Morocco. His organization appealed to the Sub-Commission to intensify its pressure on Morocco to end its violations of human rights in Western Sahara, respect the international conventions it had signed and ratified, and cooperate with the United Nations in holding the referendum that would enable the people of Western Sahara to express their views regarding their future.

20. Ms. SALINAS BERISTAIN (Centro de Estudios Económicos y Sociales del Tercer Mundo) said that, for the past decade, Mexicans had been seeking to avoid violence as a means of solving the serious problems that confronted them. Urgent solutions were needed, but they had to be durable, and that required a consensus. Various government departments were responding to and working with society, and women in particular were participating and negotiating with a view to being included in Mexico's social and democratic life. A comparative analysis of Mexico's legal system and the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child had led to widespread discussion involving legislative bodies, civil society and State governors with the result that local legislation had been reformed and there had been a substantial improvement in the protection of the rights of women and children.

21. Mr. KU HERRERA (Centro de Estudios Económicos y Sociales del Tercer Mundo), a member of the Mayan indigenous people of Mexico, said that full respect for indigenous rights had still not been achieved in Mexico as a result mainly of the outmoded colonial structure of the country. The social situation in Chiapas had raised the profile of indigenous people in the national debate, and Mexican society had shown that it was ready to engage in a peaceful and conciliatory dialogue following a series of initiatives by political parties and the executive. The situation in Chiapas had demonstrated that confrontation served no purpose.

22. Mr. FAN Guoxiang said that the Sub-Commission must proclaim to the international community that those who perpetrated power politics were the most outrageous violators of human rights and should never be immune from the criticism and condemnation of the United Nations. He asked what "humanitarian crises" necessitated large-scale "humanitarian interventions" by great Powers, why a human rights problem had to be resolved by wanton bombardment, and whether there was any reason to believe that weapons of mass destruction were better able to serve the promotion of human rights than the purposes and principles of the United Nations.

23. It was irresponsible to claim that ethnic conflicts represented the most outrageous violations of human rights, and that every effort, including the use of force, had to be deployed to counter inhuman violence with a bigger and humanitarian violence. Inter-ethnic issues were complicated and sensitive, and had to be addressed prudently with mutual respect and greater understanding: outside intervention did more harm than good.

24. Stirring up and utilizing antagonistic elements among ethnic groups had been traditional tricks of colonialists and neo-colonialists to maintain their domination or find a pretext for aggression. Having in the past been the oppressors of peoples fighting for self-determination, they had never, despite their claims to the contrary, supported the inalienable right of self-determination. Their acknowledgement of self-determination issues and their exaggeration of the gravity of ethnic troubles were not undertaken for the purpose of finding a solution in favour of minorities: misrepresenting the racial relations within small nations was used simply to justify the military intervention of big nations for their own strategic interests.

25. Some had argued that there should be an international norm against the violent repression of minorities that would take precedence over concerns of State sovereignty but that was nothing other than a clumsy pretext to support the arrogant leaders of great Powers who were preaching "a new world order" built upon military might to replace the basic principles of the United Nations, which they regarded as an obstacle to their ambitions: they had simply ignored their duty to report to the Security Council before bombing a Member State of the United Nations.

26. In their eyes and hearts, they were qualified to issue undeniable and irresistible orders to anyone blocking their path towards achieving their world strategy, and the United Nations should serve as a cloak to cover or legitimize their manoeuvres. They demonized their victims and boasted that they were saviours and angels. In the name of helping a small ethnic group within the territory of a small nation, they had conducted indiscriminate killing of the civilian population regardless of racial origin and had deliberately destroyed bridges, generating plants, hydraulic projects, hospitals, roads and factories.

27. At the Sub-Commission's fiftieth session, there had been a lively discussion of the missile attacks against the Sudan and Afghanistan, which the perpetrator of power politics had sought to justify as retaliation for terrorist attacks against its diplomatic missions. During its recent wanton bombardment of a small nation, that same self-styled mono-superPower had struck the embassy of a permanent member of the Security Council with its

missiles, causing serious casualties and damage. It had demonstrated scarcely any political willingness to undertake an inquiry, blaming the use of "an old map". That was a crazy hoax.

28. The settlement of issues related to human rights, including the rights of minorities, fell essentially within the jurisdiction of a State, and the concern of the international community had to be expressed through international cooperation, as stipulated in the Charter of the United Nations; confrontational measures should be discouraged and avoided. There was no way in which the threat or the use of force could resolve human rights problems. The mono-superPower and the single strong military alliance were trying to replace the purposes and principles of the United Nations with the dangerous message that "might is right".

29. Mr. GUISSÉ said that, since the Second World War, many valuable human rights standards had been developed but there had been a lack of courage in implementing them. States had forgotten their duties towards peoples, and the United Nations was no longer able to play its expected role because it was dominated by certain Powers which abused their prerogatives or their strength. The United Nations could only make recommendations, while the reality of power lay with the States themselves, and particularly the great Powers. Recommendations made to States should be taken more seriously. Human rights militants were concerned by the discriminatory practices involved in implementing international standards, for in many cases there was clear evidence of racism.

30. The culpable silence of the international community was also a cause of concern. Many conflicts were predictable long before they had broken out, as in the case of the Rwandan genocide, and the impression was given in some countries that the more talk there was of human rights the more those rights were violated. There had been clear examples of backsliding in the areas of democracy, tolerance and the State subject to the rule of law. Wishing to live according to one's religious convictions was regarded as a crime in some countries. The worst victims were children, women, migrant workers and the elderly.

31. The term "human rights" was brought into disrepute when fine speeches were made by some of the greatest contemporary dictators. There were certain fundamental and inescapable rights and there must be no impunity for war crimes and crimes against humanity. The perpetrators of murder, mutilation, rape and other serious crimes in Sierra Leone could not go unpunished under article 5 of the Statute of the International Criminal Court. There must be no double standards, however, least of all racial standards, in that regard.

32. Mr. PEREZ BERRIO (American Association of Jurists) said that the small island of Vieques off the coast of Puerto Rico, which had been used as a military base by the United States of America since the 1940s, was badly contaminated by toxic substances and also rendered intolerable for the civil population by the presence of large numbers of military personnel that had led to widespread prostitution and alcoholism.

33. The United States continued to ignore all appeals to relieve the ecological, health and economic plight of the islanders despite the

General Assembly resolution calling on colonial Powers to dismantle military bases in colonial territories. The resistance of the local population had won the support of the National Lawyers Guild and Centre for Constitutional Rights in New York which had joined the Committee for the Rescue and Development of Vieques in denouncing the United States Navy before the Inter-American Commission on Human Rights.

34. Turning to Peru, he said that his organization, as a result of a mission to that country, had concluded that it was not a State subject to the rule of law but one governed by a totalitarian regime in which the executive was all-powerful. Fundamental human rights were not respected and any opposition was brutally suppressed, torture being regularly practised. The Government had purported to withdraw Peruvian recognition of the jurisdiction of the Inter-American Court of Human Rights, without denouncing the American Convention on Human Rights, an act that was in clear conflict with both the American Convention itself and the Vienna Convention on the Law of Treaties.

35. In Colombia, wide sectors of the population were being victimized by paramilitary groups against which no effective action was taken by the Government, despite its national and international commitments. The grave problems involved had to be resolved by the Colombians themselves with the help of the international community, strictly within the limits of legality laid down in the United Nations Charter. There was, however, clear evidence that the United States was preparing its public opinion for another "humanitarian intervention" based on an allegation that the Colombian Government was unable to control organized crime, terrorism and drug trafficking.

36. That type of threat extended also to Panama, where it was alleged that the return of the Canal to local control at the end of the current year and the withdrawal of United States military personnel might render the Canal indefensible.

37. Lastly, his organization had written to the President of Ecuador urging him to terminate the state of emergency reimposed by him on 14 July 1999, one day after it had been lifted by the Congress.

38. Mr. VAZQUEZ RUIZ (Service, Peace and Justice in Latin America) said that he - an indigenous Tzotzil - was a member of the peasant pacifist organization "Civil Society of the Bees", 45 members of which, mainly women and children, had been murdered by a group of paramilitaries led by a Mexican army general. His people were subjected to constant threats and were too afraid to go out into the fields. When they had attempted to harvest their coffee some months previously, they had found it had been cut down by paramilitary groups. The police and military did nothing to defend them because the authorities were themselves in league with the paramilitaries.

39. In all the Indian settlements, children were unable to attend school and there was widespread sickness and suffering. His people were suffering because they had refused to join the Institutional Revolutionary Party (PRI), take up arms against the Zapatista National Liberation Army (EZLN), plunder

the possessions of their brothers and burn their houses. He appealed to the United Nations to help his people recover their freedom, rights and human dignity.

40. Ms. MILLER (Centre Europe-Tiers Monde), speaking also on behalf of the Commission for the Defence of Human Rights in Central America (CODEHUCA), said that the two organizations wished to draw international attention to the environmental contamination of Panamanian territory reported by the Social Training Centre of Panama. The contamination resulted from the prolonged occupation of large areas of Panamanian territory by United States forces, including their use as artillery ranges. On 30 June, the President of the Republic of Panama had emphasized that, while his Government intended to resume possession of the entire Canal Zone, including the contaminated areas, that intention was without prejudice to its claims for the complete decontamination of the areas in accordance with the Torrijos-Carter Treaties. The United States Government was under an obligation to ensure that Panama and the international community were fully informed of the ecological state of each of the bases and installations in order that the Panamanian Government could take reasonable decisions concerning the use to which the areas could be put.

41. The two organizations also called upon the United States Government to meet its obligations under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, that had been signed and ratified by both the United States and Panama. They also called for an international inspection to be conducted by the Commission's Special Rapporteur on toxic and dangerous products and wastes.

42. Ms. SCHMIDT (Society for Threatened Peoples) said that, three months after the signature by Portugal and Indonesia of the New York treaties on a peaceful solution to the East Timor conflict, every clause of the treaties had been violated by Indonesia. Intimidation and terror by pro-Indonesian militias - supported by the Indonesian authorities and army - had created an atmosphere of violence which cast grave doubt on the possibility of holding a free and democratic plebiscite on the future of the territory. She appealed to the Sub-Commission to request the Secretary-General, through the Commission on Human Rights, to urge the Indonesian Government to put an end to militia violence, make public mention of the violation of neutrality by the Indonesian police, and despatch United Nations peacekeeping forces immediately to the area to prevent further bloodshed.

43. Mr. SAUCEDO PEREZ (International Organization for the Development of Freedom of Education) said that he wished to draw the Sub-Commission's attention to the concern felt by many organizations about the growing violations of human rights by the Government of Mexico. Deregulatory economic policies, combined with economic restructuring imposed by international financial bodies had created widespread instability and uncertainty and resulted in a concentration of wealth in the hands of a few leaving the mass of the population in conditions of extreme poverty. The bank-rescue operation, necessitated by widespread irregularities and the corruption of high officials and bankers, had cost the country some 80 billion United States dollars, financed by cutbacks in social programmes and budgets, and had

mortgaged the future generations of Mexicans. Large social sectors had been deprived of the right to housing, dignified work, education, health, recreation and even life.

44. He drew the attention of the Sub-Commission to the observations of the Human Rights Committee on 27 July 1999 on the situation in Mexico. His organization shared the concerns of the Committee about the improper use of armed forces. For example, the Government was maintaining in Chiapas the largest concentration of troops in the entire history of the country. The existence of paramilitary groups was tolerated by the Government and their members were given impunity. In that connection, he drew the Sub-Commission's attention to the presence at its current session of a person who had been identified by the Centre for Human Rights as a leader of the paramilitary organization MIRA, that had been involved in the murder of indigenous persons. The Sub-Commission should request the Commission on Human Rights to appoint a special rapporteur to investigate the situation in Mexico, particularly as it affected indigenous peoples.

45. Mr. QURESHI (Afro-Asian Peoples' Solidarity Organization) said that the people of his nation, the Seraiki, had been denied the right to maintain its cultural identity by the Punjabis, who had dominated Pakistan since its creation in 1947. The Seraiki nation was not alone in suffering that fate; there had been prolonged persecution of other peoples, too, such as the Sindhis and Mohajirs, and the Punjabis were making systematic attempts to conceal the numerical strength of such peoples in the country. What was taking place was tantamount to colonialism, namely, the deprivation of a people of its distinct identity and its ability to continue to live in accordance with its traditional culture.

46. Ms. PETROULA (International Federation of Human Rights Leagues) said that her organization wished to draw the Sub-Commission's attention to human rights violations in several parts of the world. The first was the Republic of the Congo which, since August 1998, had been the scene of political violence and violations of fundamental freedoms often involving armed men, who enjoyed complete impunity. There was also a crackdown upon freedom of the press and information and a media campaign of disparagement and threats against human rights defenders. She called upon the Sub-Commission to adopt a resolution on the situation in the Congo and to request the Commission on Human Rights to establish some supervisory mechanism.

47. In spite of some political and economic progress in Tunisia, she was much concerned about the conformism imposed on the press and the subordination of the judiciary to the executive. There had been numerous cases of repression of human rights defenders, a few outstanding examples of which she cited. The Sub-Commission should adopt a resolution on Tunisia condemning such violations and calling upon the Government to respond to the numerous requests for visits by special rapporteurs.

48. In spite of the hopes for an improvement in the human rights situation in Algeria under its new Government, her organization continued to be concerned by the issue of enforced disappearances, the maintenance of defence militias and continuing restrictive legislation.

49. The situation in Turkey was a cause of grave concern, including the attacks upon organizations and individuals defending human rights, exemplified by the attempted murder of Mr. Birdal, the Vice-President of her organization. In addition to the continuation of enforced disappearances, arbitrary detentions, torture and ill-treatment in certain prisons and the impunity of those responsible, her organization was also concerned by the condemnation of the Kurdish leader, Mr. Öcalan, after a trial in which the rights of the defence had been flouted.

50. Mexico was also a country that figured on the Sub-Commission's agenda for the current session. Grave violations of human rights continued to be systematically practised, and crimes against humanity were being committed.

51. Lastly, while she welcomed the forthcoming visit of the working group to Bahrain, it was regrettable that the Government of that country had not yet withdrawn its reservation to article 20 of the Convention against Torture.

52. Ms. GUTIERREZ (Asociación Kunas Unidos por Nabguana) denounced the widespread violence directed against indigenous peoples in Mexico, particularly in the militarized areas. The armed forces, the police and paramilitary groups attacked indigenous communities, taking prisoners and committing torture and rape.

53. Indigenous women played an important role in their communities as custodians of indigenous culture and promoters of political and social change. They monitored compliance with international instruments concerning indigenous peoples, and rejected customs that were incompatible with human rights.

54. Her organization warmly welcomed Sub-Commission resolution 1998/4 concerning developments in the situation in Mexico. The situation of indigenous peoples had not, however, improved: impunity and torture persisted. In the State of Chiapas, organizations for the defence and promotion of human rights had received over 300 reports of rape, a crime that many victims failed to report for cultural reasons. The presence of the armed forces, the police and paramilitary groups disrupted community life, introducing the younger generation to a culture of violence. Indigenous women had no time for so-called protectors who raped, plundered, tortured and killed.

55. Her organization urged the Sub-Commission to adopt a resolution calling on the Mexican authorities to comply with the international instruments on human rights and the rights of indigenous peoples, encouraging Mexican society to opt for dialogue instead of confrontation, urging the signatories to the San Andrés agreements to abide by their terms, and inviting the Commission on Human Rights to appoint a special rapporteur to investigate the situation of human rights in Mexico, with particular stress on the rights of the indigenous peoples.

56. Ms. TALBOT (World Federation of Trade Unions) said that Pakistan was facing a crisis of identity, unable to decide whether it was a democracy or an Islamic theocracy, committed to a jihad against unbelievers. Minorities in Pakistan were legally relegated to the status of second-class citizens. Ethnic groups such as the Mohajirs continued to be persecuted. The judicial

system was based on two sets of often mutually exclusive laws, one inherited from the former colonial Power and the other based on the Islamic Sharia, under which Christians could be sentenced to death for blasphemy and women were subject to discriminatory hudud ordinances. The Ahmadiyas were denied the right to worship and to propagate their faith. Militant fundamentalism was encouraged and Shiites, Hindus and Christians were the target of sectarian violence.

57. Pakistan's economy was in crisis, bonded labour was widespread, a small percentage of the population owned most of the land, the literacy ratio was a mere 28 per cent and feudal barons dominated politics.

58. The predominantly Shiite Kashmiris of Kargil had borne the brunt of Pakistan's recent armed incursion into Indian Jammu and Kashmir. Groups such as Lashkar e Taiba, Al Badr and Harkat ul Mujahideen, composed largely of Pakistanis, had been responsible for the worst massacres in recent times in the Kashmir Valley.

59. Pakistan must be encouraged to shed its current ethos and establish its identity as a responsible State. Only then could it be deemed a worthy interlocutor on issues relating to the welfare of its own peoples and the world community.

60. Ms. LOBSANG (International Union of Socialist Youth) said that China had been responsible for unchecked human rights abuses in Tibet and the deaths of 1.2 million innocent Tibetans during the past 40 years. Since the 1994 visit by the Commission's Special Rapporteur on religious intolerance, the Chinese authorities had banned the public display of photographs of the Dalai Lama and had jailed the 10-year-old Panchen Lama, the world's youngest political prisoner, in an undisclosed location. During the past two years, 9,977 monks and nuns had been expelled for opposing China's "patriotic re-education" campaign.

61. The vast majority of the 135 arrests of Tibetans in 1998 had been arbitrary. A common charge was "endangering State security" and prisoners were denied basic rights. There had been 12 new cases of disappearance in 1998, despite the concern expressed by the Working Group on Enforced or Involuntary Disappearances about an "emerging pattern" of disappearances in Tibet. Since 1986, 60 Tibetan political prisoners had died as a direct result of torture. She was pleased to note that China had finally agreed to an official mission to Tibet by the Commission's Special Rapporteur on torture. In December 1998, there were 1,083 known Tibetan political prisoners, mostly monks and nuns, in Chinese prisons.

62. The Chinese authorities had reportedly detained two monks for their involvement in preparing a letter to the High Commissioner for Human Rights on the occasion of her visit to Tibet in September 1998. Their whereabouts were unknown. The Working Group on Arbitrary Detention had informed the Commission on Human Rights of the fate of three Tibetan prisoners involved in a slogan-raising incident during its visit to Drapchi prison in October 1997.

63. The Chinese authorities took the line that human rights issues must be resolved through "dialogue" but their behaviour in Tibet remained

confrontational. The Dalai Lama had been calling for a negotiated settlement for 20 years but his appeals had fallen on deaf ears. Her organization urged the Sub-Commission to call for the appointment of a special rapporteur to investigate the human rights situation in Tibet and to scrutinize China's record of gross and systematic violations of human rights there, which had not changed since the adoption of Sub-Commission resolution 1991/10.

64. Ms. AULA (Franciscans International), also speaking on behalf of Dominicans for Justice and Peace, expressed their continued concern about the human rights situation in Mexico. The adoption of Sub-Commission resolution 1998/4 had received wide media coverage, boosting the work of human rights defenders and leading to a temporary let-up in human rights violations. Once the hue and cry had died down, however, the violations had resumed and the Government had once again assured the international community that all was well.

65. In its concluding observations on Mexico's fourth periodic report adopted two weeks previously (CCPR/C/79/Add.109), the Human Rights Committee had expressed concern that acts of torture, enforced disappearances and extrajudicial executions had not been investigated, that the persons responsible for those acts had not been brought to justice and that the victims or their families had not received compensation. It had also expressed concern about the increase in action by the armed forces in the States of Chiapas, Guerrero and Oaxaca, where they conducted activities pertaining to the police forces, and about the lack of institutionalized procedures for the investigation of allegations of violations of human rights by members of the armed forces.

66. The Special Rapporteur on torture had reported to the Commission on Human Rights at its fifty-fifth session that prisoners had allegedly been subjected to torture and other forms of cruel, inhuman or degrading treatment in Mexico City. The Special Rapporteur on extrajudicial, summary or arbitrary executions had stated publicly on a visit to Mexico in July 1999 that the injustice and selective impunity that had led to mass killings were rooted in the ongoing political problems and the failure of the judicial system in Mexico. She had also referred to the continued exploitation of marginalized people in the situation of armed conflict in the State of Chiapas and stressed the need for local authorities to respect human rights in a society with diverse languages and cultures. The Committee on the Elimination of Discrimination against Women had urged the Government to safeguard the rights of indigenous women and women in conflict zones, especially where the police and armed forces were operating.

67. The situation of women in the States of Chiapas, Guerrero and Oaxaca showed no signs of improving, however. There were continued reports of rape of indigenous women. The number of arbitrary executions involving the armed forces had increased. Government statistics classified human rights violations such as torture and summary execution as wounding and abuse of authority.

68. In view of the failure of the Government of Mexico to implement the recommendations made by United Nations special rapporteurs and other bodies, the deteriorating human rights situation and accelerating militarization,

especially in indigenous regions, her organization strongly recommended that the Sub-Commission should continue to consider the situation of human rights in Mexico and adopt a resolution recommending action for adoption by the Commission on Human Rights at its next session.

69. Ms. BACHMAN (International Institute for Peace) said her organization was concerned at the trend in some countries away from democratic norms and towards fundamentalism, the perversion of educational systems and the constitutional and legal justification of oppression and segregation. Religious schools (madrasahs) in Pakistan propounded an anti-democratic ideology. The Lashkar e Taiba armed group was committed to a jihad against Jews, Hindus and non-believers and the Harkat ul Mujahideen, a terrorist organization, drew its cadres from the madrasahs. Sectarian violence was rife and legal and institutional structures discriminated against religious minorities, such as Shiites, Ahmadiyas and Christians. Pakistani women lived in dread of subjection to a rule similar to that of the Taliban in Afghanistan - who were also graduates of the madrasahs. Journalists and newspaper owners were targeted by armed groups.

70. The tentacles of the terrorist groups based in Pakistan were extending into South Asia, the United States and Europe, and had led to the massacre of innocent civilians in the bombing of United States embassies, of Shiites in Afghanistan and of Kashmiri Pandits and Muslim liberals in Jammu and Kashmir. Action to destroy the breeding grounds of the new colonizers and to neutralize the impending threat to freedom, democracy and human rights must begin in Pakistan.

The public part of the meeting rose at 12.45 p.m.